IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9866 of 2005

Between:

Godavari Peoples Welfare Organization, Narsapur, Narsapur Mandal, West Godavari District rep., by its
Secretary, Grandi Bhagavannarayana, s/o Rama Rao, age 46 years, r/o Patha Bazar, Narsapur, W.G.District.

..... PETITIONER

AND

1 The Registrar of Co.operative Societies, Govt. of A.P., Gruhakalpa, Nampally Station Road, Hyderabad.
2 The Government of Andhra Pradesh, rep., by its Secretary, Cooperative Department, Secretariat,
Secretariat Buildings, Hyderabad.
3 The Deputy Registrar of Cooperative Societies, Muslim Street, Bhimavaram, W.G.District.
4 The Narsapur Cooperative Urban Bank ltd., Narsapur, rep., by Assistant Registrar-cum-Part Time Secretary,
Narsapur, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus, or any other appropriate writ, declaring all illegal and arbitrary action of the 1st respondent in not referring the disputes to the 1st respondent i.e., the dispute with regard to the payments to be made to the depositors by the 4th respondent Bank and the repayments to be made by the loanees to the 4th respondent Bank, who are the members of the writ petition Organization shown in Annexure-1 appended to the writ petition herein and it is further consequentially prayed that this Hon'ble Court may be pleased to direct the 3rd respondent to refer the said dispute to the 1st respondent for an amicable settlement of the issue of payment to the depositors to be made by 4th respondent bank and repayments to be made to the 4th respondent Bank by the loanees in the light of the representation dt.20-03-2005

and pass such other order or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.R.SANKU

Counsel for the Respondent No.: GP FOR COOPERATION

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a Writ of Mandamus, declaring the action of the third respondent in not referring the disputes with regard to the payment to be made to the depositors by the fourth respondent and the repayment to be made by the loanees to the fourth respondent bank, who are the members of the writ petitioner- Organization, to the first respondent, as illegal and consequently, direct the third respondent to refer the said disputes to the first respondent for an amicable settlement of the issue of payment and repayment to be made to the fourth respondent - Bank by the loanees.

The grievance of the petitioner is that the depositors and the Borrowers who are the members of the writ petitioner Society, made a representation dated 20.3.2005 to the Registrar of Cooperative Societies to intervene in this mater and take it as a dispute and solve the problem in lines indicated in the representation, but so far no action is taken on the representation dated 20.3.2005.

The learned Government Pleader appearing for the respondents filed a counter taking an objection with regard to filing of the writ petition at the behest of the Secretary by name Grandhi Bhagavannarayana, who is neither depositor nor loanee of the cooperative Urban Bank Limited, Narsapur, West Godavari District.

Having regard to the facts and circumstances of the case and after hearing the arguments submitted by the petitioner at length, this writ petition is liable to be dismissed as the petitioners herein, are alleged to be both the depositors and the loanees. More over particulars of the members of the association are not given and the interest of loanees is different than that of the interest of depositors, therefore, they cannot combine together and form an association and file the Writ Petition and

it is very difficult to protect the interests of the members of the association of loanees and depositors. Therefore, in the absence of details of the members of the association, it is very difficult to proceed with the matter according to law.

Hence, I see no reason to entertain the Writ Petition under Article 226 of the Constitution of India. Accordingly, the Writ Petition is dismissed. The petitioner is given liberty to approach the court with an appropriate writ petition. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 28.04.2005

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To

1 The Registrar of Co.operative Societies, Govt. of A.P., Gruhakalpa, Nampally Station Road, Hyderabad.
2 The Government of Andhra Pradesh, rep., by its Secretary, Cooperative Department, Secretariat,
Secretariat Buildings, Hyderabad.
3 The Deputy Registrar of Cooperative Societies, Muslim Street, Bhimavaram, W.G.District.
4 The Narsapur Cooperative Urban Bank ltd., Narsapur, rep., by Assistant Registrar-cum-Part Time Secretary, Narsapur, W.G.District.

5. Two CCs to G.P.for Cooperation, High Court of A.P. Hyderabad. (OUT)

6. Two CD copies.